# CIVIL GOVERNMENT OF THE UNITED STATES

D. D. WALLACE

Class JK 251

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# CIVIL GOVERNMENT
OF
# THE UNITED STATES

BY

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DALLAS, TEXAS
SOUTHERN PUBLISHING CO.
1906

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# PREFACE

In preparing this little book I have followed the method by which I conceive that the subject can most easily and profitably be unfolded to the child. Accordingly, I have proceeded from the simple to the complex, and from the known to the unknown. The simplest and most familiar phase of government in the child's experience and observation is the public school; this is taken as the starting point.

In style the same principle has governed. The earlier chapters may appear too simple, while some teachers may consider the latter ones too difficult. I hope, however, that experience will prove that the attempt to lead the pupil along a gentle upward grade has been successful. It has been my experience that a reasonable amount of detail makes a subject more intelligible and realistic to the pupil, and thus enables him to prepare and remember it better.

I would urge the importance of requiring the preparation of the suggestive questions at the end of the chapter. This will lead to independence of thought

and judgment. One or more questions, according to their difficulty, may be assigned to each pupil and a report be required at the next recitation. It will sometimes be found profitable to assign nothing beyond the questions for preparation and spend the whole recitation period on the reports and discussion. If the answers are at all extensive it is best to require the reports to be brought to the class in writing to be read aloud, but not handed in.

A number of friends, particularly of the legal profession, have very kindly rendered me assistance in supplying information. I desire to thank them all, and at the same time to acknowledge my great obligations to Senator H. B. Carlisle for much aid of this kind, and to Capt. J. W. Carlisle and Senator Carlisle for the use of their law library.

D. D. W.

SPARTANBURG, S. C., *February* 24, 1906.

**ANNOUNCEMENT:** In order to meet three well-defined conditions, "The Civil Government of South Carolina and of the United States," by D. D. Wallace, Ph. D., is printed in three books as follows:

1. The complete book containing the civil government of the state and of the nation, with Table of Contents and Indices.

2. The Civil Government of South Carolina, alone, with the complete Table of Contents and Index.

3. The Civil Government of the United States, alone, with the complete Table of Contents and Index.

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# BOOK II

# The National Government*

## CHAPTER XXXIII

### ORIGIN AND PURPOSE OF THE NATIONAL GOVERNMENT

**269. The Colonial Government.**—Before the Revolutionary war which made the United States independent, the thirteen States which united to form our Union were thirteen separate colonies, belonging to Great Britain. Their governments had no connection with each other, any more than now exists between the two British colonies of Jamaica and Newfoundland. Each colony had a legislature of its own that managed its own local affairs; but things that concerned the outside world, such as foreign trade, war, and relations with foreign countries, were managed for each colony by the government of Great Britain.

**270. The Revolution Necessitates a Central Government.**—When the Declaration of Independence announced that the colonies had severed their connection

* The national government is often spoken of as the federal government. Both terms are used in this book to mean the same thing.

with Great Britain, it became necessary to create some government to perform the general duties formerly attended to by Parliament. It was necessary to set up a central government to carry on wars which might have to be waged in defense of America, or to regulate and protect people and ships engaged in trading across the ocean, and in distant lands. Each State might have attended to these matters for itself; but the people saw that it would be much better to join in one central government for these purposes; because it would enable them to get along better with each other, and would make them strong enough to stand against foreign enemies. It was for these reasons that the thirteen States joined themselves into one country as the United States of America.

**271. Liberty and Union.**—The Colonies intended from the first to be not only free, but to be united in defense of their freedom. They knew that they would not be likely to remain free and great unless they stood together. Their idea was expressed in the motto adopted by one of the States: "United We Stand; Divided We Fall."

On June 10th, 1776, the Continental Congress appointed Thomas Jefferson Chairman of a Committee to write the Declaration of Independence; the very next day it decided to appoint another Committee to draw up a plan for a central government

for all the thirteen States. This Committee wrote the Articles of Confederation.

**272. The Articles of Confederation.**—The Continental Congress continued to conduct the war and act as the representative of the United States until 1781. By that year all the States had agreed to the Articles of Confederation, and they accordingly went into effect, and the Continental Congress became the "Congress of the Confederation." The Articles of Confederation remained in force from 1781 to 1789, during which time the government proved to be so weak and inefficient that the States determined "to form a more perfect Union." The Articles of Confederation were unsatisfactory because the people had not had any experience in governing a number of separate States as one united body. But we "should not despise the first step because it took two steps to reach a firm government." The Articles of Confederation were the first step; the Constitution was the second.

**273. Constitutional Convention of 1787.**—In 1787 all the original thirteen States except Rhode Island sent delegates to Philadelphia to a convention to improve the form of government. They worked for four months, and at the end of that time had completed the Constitution. The Constitution was then discussed by a convention in each State, and

was adopted by each State by the vote of its convention.* It went into operation in the spring of 1789, with Washington as the first President.

**274. Object in Establishing the Constitution.**—The first words of the Constitution are: "We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

Experience had shown that unless a strong central government was established, the people were in danger of losing all those advantages in order to enjoy which they declared that they established the Constitution. By going over each of the objects we will see how true this was.

**275.—"Form a More Perfect Union."**—The Union under the Articles of Confederation was so imperfect that the government was in continual danger of falling to pieces. As we shall see, hostility and hatred were largely taking the place of the spirit of common patriotism. If the threatened dangers of civil war, commercial ruin, separation and strife were to be avoided,

* In South Carolina the low country favored the Constitution, and the up country opposed it, partly because of old grudges, jealousies and misunderstandings dating back to the Revolution, and even before it.

it was absolutely necessary for the States to make the Union among themselves stronger and better suited to the needs of the times.

**276. "Establish Justice."**—In all the States the disturbed conditions produced by the war had occasioned great wrong and injustice to many people in various ways. Some who had lent money or sold land or goods on credit had been compelled to receive worthless paper money, barren lands, or starving cattle in payment. This had ruined many honest people, and had done great harm to the whole country.

Foreign countries had treated us very contemptuously because we had a poor, weak government, and many States had treated foreigners and some of their own citizens very unjustly. For instance, England refused to pay for property her soldiers had stolen, and also refused to give up some American forts along the Great Lakes. Many States refused to allow Englishmen to collect debts for goods which Americans had bought from them. In many States the lands and houses of Americans had been taken from them by the State government because they had not joined in the Revolutionary war. So a good Constitution and a strong government were certainly needed in order to "establish justice."

**277. "Insure Domestic Tranquility."**—This means to have peace and good order within the country.

It means to punish people who break the laws or get up riots or in any way disturb or trouble orderly people. All over the country crimes, disorder and confusion were common because of the terrible experiences of war, hardships and bad government through which the people had passed. In Massachusetts Captain Daniel Shays put himself at the head of several thousand farmers made desperate by their hopeless indebtedness and for several months marched through the State interfering with the holding of courts and the administration of the law. This rebellion was suppressed only after the calling out of several thousand troops. In other States there were men waiting to begin similar insurrections if Shays should succeed.

Connecticut had sent soldiers into Pennsylvania and turned hundreds of people out of their homes to starve or freeze, because she foolishly and wrongly claimed that the northern part of that State belonged to her. War between the two States would likely have resulted if the Quakers and Dutch of Pennsylvania had not been such peace-loving people.

New York and Vermont actually sent soldiers against each other in a dispute about their boundary line and came very near the shedding of blood in battle.

Congress had been driven out of Philadelphia by a mob of drunken soldiers. So we see there was cer-

tainly need of a better government in order to secure peace and safety at home, or, as the Constitution says, to "insure domestic tranquility."

**278. "Provide for the Common Defence."**—This means to defend the United States against foreign nations. On account of our weak government we had been treated with great contempt by foreign governments, and it looked as though the United States might again come under British power or fall to pieces and be divided up among several European nations as their colonies, unless something was done to enable us to defend ourselves.

**279. "Promote the General Welfare."**—The lack of a strong central government injured the people in many ways. It was not safe to trade from one State to another; because there was no strong central government to compel any State to treat citizens of other States justly. For instance, New York and Connecticut got into a dispute and placed such heavy taxes on traders from one State selling in the other as to do great harm to the citizens of both.

It was very much the same with New Jersey and New York. A great many good and useful occupations were engaged in very little or not at all because people had no general government to protect their rights.

It was evident, therefore, that the establishment

of a good Constitution for the whole country would be very greatly for the "General Welfare."

**280. "Secure the Blessing of Liberty to Ourselves and our Posterity."**—If something was not done to prevent the disasters we have been describing the country would fall to pieces, wars between the States would follow, and the freedom of the people would be destroyed. Nobody's life or property would be safe, and government by the people would prove a failure. Kings or wicked, despotic soldiers would certainly seize the government of the different States, and the benefits gained by the Revolution, as well as the civilization and fraternity which the people enjoyed as colonists, would all be imperiled. The men who made the Constitution planned not only for themselves, but for us, their posterity; and we now enjoy the great and free government which they established in the Constitution.

## CHAPTER XXXIV

### GENERAL CHARACTER OF THE NATIONAL GOVERNMENT

**281. The National Government Created by the States.**—We saw in the last chapter that the national government was created by the people of the separate States in order to secure peace, liberty, and prosperity. The States created the national government in the Con-

stitution and gave it all the powers it possesses. The people in the States created the State governments by freeing themselves from England, and for that reason the States possess all the powers of government except those which they have given away to the national government and agreed never to exercise.

**282. Granted Powers.**—The national government has no powers except those granted to it in the United States Constitution by the people of the States. The State, on the other hand, has all powers not denied to it by the national Constitution. This arises from the fact that the States are older than the Constitution and are the source from which all the powers of government in our country originally sprung.

**283. Powers Granted to the National Government.**—As we learned in Chapter XVII, most of the powers of government are retained by the States; most of the matters of everyday life are under the power of the State. But some of the most important powers have been granted to the national government. The people were careful not to grant any powers to the national government except those which they thought it could exercise better and to greater advantage to the whole country than could the States separately. We shall now examine the principal powers which the national government can exercise, and try to see why it is best that it should exercise them.

**284. The Taxing Power.**—The national government has the right to lay any and every kind of tax. It is absolutely necessary for a government to have the power of taxing the people if it is to perform its duties and be respected. Under the Articles of Confederation Congress had to request the States to give it certain amounts of money, like a beggar passing around his hat. As a result Congress was always poor and could not pay its debts or pay its army or command the respect of foreign nations. People came to have such a contempt for Congress that they paid little attention to its laws and good men did not care to be elected members.

**285. The Tariff.**—The tax on goods brought into the United States from foreign countries is called a tariff. It is regulated in this way. The United States government passes a law that anyone bringing in certain articles shall pay the tax named for each article; for instance, now (1906) blankets pay 50 cents a pound, books 25 per cent. of their value, cheese 6 cents a pound, cotton gloves 50 per cent. of their value, eggs 5 cents a dozen, lard 2 cents a pound, musical instruments 45 per cent. of their value, horseshoe nails 2¼ cents a pound, jewelry 60 per cent. of its value, onions 40 cents a bushel, wheat 25 cents a bushel, first class wool 11 cents a pound.

At each port and in every city on the border of

Canada and Mexico there is a custom house, where officers examine the goods brought into the United States and collect the taxes on them. In 1905 the total receipts of money by the United States government amounted to $543,000,000; of this $262,000,000, or 48 per cent., was from the tariff.

**286. Internal Revenue.**—The taxes on whisky, beer, wine, snuff and tobacco are called internal revenue taxes, because they are collected in the interior, or internal, parts of the country. These taxes are collected by the United States government, no matter whether the States in which the whisky and tobacco are manufactured are taxing them or not. The government has a special set of officers to collect these taxes and see that nobody escapes by distilling whisky or making cigars and so forth in secret. In 1905 the United States government collected in internal revenue taxes $233,000,000, or 43 per cent. of its total income. Thus we see that from tariff and internal revenue the United States government gets 91 per cent. of all its income. Except in times of war, it leaves all other sorts of taxes, such as on land, houses, incomes, horses, business licenses, to the State government.

**287. Commerce.**—The national government has complete control over inter-State commerce and foreign commerce, *i.e.* commerce between people living in

different States or between people in the United States and a foreign country. This is necessary in order to prevent any State government, on account of prejudice, ignorance or selfishness, from interfering with your or my right to buy a horse (say) in Kentucky, a car load of fruit in California, or a barrel of sugar in Louisiana; or with our selling our cotton to a merchant in Massachusetts, England, France, China or any other place we might desire. Few things can do a country more harm than to have the trade and travel of its citizens of different sections interrupted. Experience under the weak Articles of Confederation, and the attempts of some States since, show that the framers of the Constitution were very wise in giving the national government complete power in regulating and protecting commerce that goes beyond any one State.

288. *Bankruptcy.*—Closely associated with the power of Congress over inter-State commerce is its power to pass laws regarding bankruptcy. A bankrupt is a person who cannot pay his debts. When a person finds himself in this condition he may voluntarily "go into bankruptcy," or his creditors may, if they choose, force him into it. A person is then appointed by the court to collect all the property of the bankrupt and with it pay his creditors as much as possible, in proportion to the amount owed to each. After the affairs of the bankrupt are settled under the bankruptcy law, no one can ever hold him responsible for any of the debts which he owed at that time. He is free to make a new start.

Since so many of the debts owed by merchants (the class to which, on account of the nature of their business, bankrupts usually belong) are frequently owed to persons outside the State, it is proper that bankruptcy regulations should be in

the control of the United States government. At various times Congress has left bankruptcy regulations to the States, and at others has itself passed bankruptcy laws. At present (1906) there is a national bankruptcy law in operation.

**289. Weights and Measures.**—The United States government has power to say what shall be the weights and measures used all over the country. This is almost absolutely necessary if we are to have trade between the different States. Think of what confusion would result if a bushel was one size in one State and another size in others; if a yard was 30 inches long in the North and $35\frac{3}{6}$ in the South and $41\frac{6}{7}$ in the West; or if part of the States weighed things by the pound, part by old Hebrew standards, and part by the weights of the Romans.

**290. Money.**—For the United States to have the exclusive right to regulate the value and material of money is even more necessary than for it to regulate weights and measures. Therefore its power in this is absolute.

**291. War.**—Only the United States can declare war or keep up a regular army or navy. The power to make war is such a fearful and harmful power, unless exercised with moderation and wisdom, that it is kept in the hands of the central government alone. In all ages and countries, nations which have allowed States or provinces within the nation to make war have been brought to ruin.

The United States Constitution grants Congress the right to assume any degree of control it may think needful and proper over the organization and discipline of the State militia. Any power which Congress does not choose to exercise over the militia the State is free to exercise; but the State may not pass any law regulating the militia contrary to laws for that purpose passed by Congress. At present (1906) Congress leaves the control of the militia almost altogether to the States and confines itself to giving assistance, such as money for equipment, encampments, instruction, etc.

When the militia is called into the service of the United States government, the control of the State gives way completely to that of the national government.

**292. Foreign Affairs.**—It is impossible for one family to get along without having anything whatsoever to do with any other family. Just so a nation is constantly finding that matters arise which require discussion and arrangement with other nations. This is called foreign affairs. In order to have influence in foreign affairs, a government must act with great wisdom, and have back of it great power, population and wealth. Every reason requires that our foreign affairs should be completely in the control of the United States government. Even as it is, several times a few people in some States have come near causing war by their unlawful conduct toward foreign nations.

**293. Protecting American Citizens Abroad.**—If an American is wronged by a foreign government, his own State has nothing to do with it; but the United States government takes up the matter and stands ready with the whole power of the mighty nation to

compel the foreign government to do him justice. For this reason no foreign nation dares wrong the humblest and weakest American citizen. If a citizen of a foreign country injures an American in that foreign country, the foreign government will punish its own citizen, for the United States government stands with its whole army and navy to see that justice is done.

An American citizen was once standing before the executioner in a foreign country, the next minute to be unjustly shot. A representative of his government stepped up and threw an American flag over his body, and he was as safe as if the silken cloth had been a wall of stone.

**294. Citizenship.**—Citizenship is the condition of being a member of a State or nation, enjoying its protection and owing to it obedience and support. A citizen is said to owe *allegiance* to his country. This means to be faithful to it against all other governments or countries. We are citizens of our State and also citizens of the United States.

**295. Who Are Citizens.**—The right to determine who shall be citizens belongs to the United States government. The United States Constitution says that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." This compels every State to receive

as a citizen every person whom the United States government declares to be a citizen; but it does not prevent a State from admitting as a citizen *within its own bounds* a person whom the United States does not recognize as a citizen. For instance, no State can refuse citizenship to a negro, because the United States government gives him citizenship; but a State may allow a Chinese immigrant to be a citizen within its own bounds, although he is not allowed to become a citizen of the United States and can claim no right of citizenship under the United States Constitution or laws.

*The children of ambassadors* and other diplomatic officers of foreign governments residing in this country do not become citizens of the United States by being born within its bounds.

**296. American Children Born Abroad.**—Children who are born of American citizens in foreign countries are natural born citizens of the United States; but unless these children live for awhile in the United States, children of theirs born in foreign countries cannot claim American citizenship.

**297. Naturalization.**—Naturalization is making a person a citizen who was not born a citizen. Giving United States citizenship to foreigners is a power belonging only to the United States government. The naturalization law requires that a foreigner must live

in the United States for a period of five years, and must declare his intention of becoming a citizen at least two years before securing citizenship. For instance, if he came to this country in the year 1900, he could become a citizen in 1905, provided he declared his intention not later than 1903.

The intention of becoming a citizen must be declared in a court of record,* either State or national. Citizenship is also granted by such a court.

*A man's wife and children* become citizens by his becoming a citizen.

**298. Racial Qualification.**—No Chinese can become naturalized; but a Chinese child born in the United States is a "natural born citizen" of the United States.

This discrimination against the Chinese goes so far as to forbid any more of their race to come to the United States, except temporarily as students, travelers, government agents, or merchants purchasing goods. This law is due to a strong prejudice against Chinese cheap labor by the working men of California and other Western States, and a feeling that our racial complications are already sufficient.

**299. Territories.**—The Constitution gives Congress power to "make all needful rules and regulations respecting the territory or other property belonging to the United States." This allows Congress to exercise

* The Circuit Court, for instance, either State or national, is a court of record. A Magistrate's or Mayor's court is not a court of record, although it now keeps a written record of its proceedings. In general, we may say that the higher, more powerful and important courts are courts of record.

all powers of government in or over the territories.* In a territory Congress has all the power of both State and national governments. But even here Congress is not allowed to violate certain fundamental rights of the people in the territories, such as their freedom of religion or their right to be tried according to law or have counsel (lawyers) in their defense. To interfere with these things is not considered in our free country a just or needful power of government.

**300. Implied Powers.**—You remember that the United States government can do only those things that the Constitution says it can do. But the government is free to do anything fairly included in one of the granted powers. For instance, it has the right to send ambassadors to foreign countries. This implies the right to buy a house in the foreign country for the ambassador to live in, and the right to protect him, even by sending ships and troops into the foreign country if necessary. The government has the right to lay and collect taxes. This gives it the right to create a bank or build a treasury in which to keep the tax money. These are called "implied powers," because, while they are not named in the Constitution, it is necessary to

* Possibly some older reader than this book is written for may question, as certain eminent statesmen at one time did, that the clause cited grants the power stated. Suffice it to say that the Supreme Court (in the "insular cases," not to go further) declared that such a meaning is indubitable. The right to govern territory is implied also in certain other clauses of the Constitution.

exercise them in order to do properly the things which are named.

**301. Sources of the National Constitution.**—The State governments are older than the national government, so that the great men who wrote our national Constitution got most of their ideas from the State Constitutions. This was quite natural, and it was very wise; for if certain plans of government had been found successful in the States and the people were already used to them, these same plans would doubtless work well in the national government.

In 1787, all the States except Georgia and Pennsylvania had a legislature of two houses; the framers of the national Constitution copied this from the States. They copied the words giving the President's veto power from the Constitution of Massachusetts. They got the method of electing the President from Maryland. They kept in mind also the free government of England and tried to reproduce its best principles. We must remember also that the people of the States had brought their free institutions from England.

**302. One System.**—Our national and State governments taken together form one system. There is no dispute or rivalry between them. The people of the United States have given some powers to the United States government and some to the State governments, because some things can be done best by one

and some by the other, and the result is that we enjoy greater freedom and prosperity than any other people in the world.*

TABLE OF THE PRINCIPAL POWERS OF THE UNITED STATES GOVERNMENT

| | |
|---|---|
| **I. Taxes** | 1. Tariff on imports.<br>2. Internal revenue (taxes on articles manufactured or used in the United States).<br>3. Land taxes (hardly ever used).<br>4. Income taxes (hardly ever used).<br>5. Any other taxes (hardly ever used). |
| **II. Commerce** | 1. Foreign commerce.<br>2. Inter-State commerce.<br>3. Bankruptcy.<br>4. Weights and measures.<br>5. Money. |
| **III. Foreign Relations** | 1. War and peace.<br>2. Army and navy.<br>3. Ambassadors, ministers and consuls.<br>4. Treaties. |
| **IV. Territories** | 1. United States government can exercise all the powers of government in or over a territory; but<br>2. Must not violate the fundamental personal rights of the inhabitants. |

* It is not meant that nothing but our form of government is responsible for our prosperity. Comparison with other richly endowed countries with bad governments will, however, show how important is this factor in national well-being.

## *Part I.—The Legislative Department*

# CHAPTER XXXV

### CONGRESS

**303. Congress.**—The legislative department of the United States government consists of two sets of men, spoken of as the two houses of Congress. They are the Senate and the House of Representatives. The Senate is sometimes called the Upper House and the House of Representatives the Lower House.

**304. Nature of the Two Houses.**—The Senate has (1906) only ninety-two members, and it is therefore much smaller than the House of Representatives, which has three hundred ninety-one. The Senators are usually older and more prominent men than the Representatives, and are men of greater influence. They are generally more quiet and prudent in their debates and acts. The Senate also has certain duties and powers which the House of Representatives has not. These differences will be plainer when we have studied each house separately in the next two chapters.

**305. Time of Meeting.**—The Constitution requires that Congress must meet at least once a year and names the first Monday of December as the day; but Congress may fix another day if it chooses, or

the President may call them to meet earlier. Congress has seldom changed the day, and the President has called them to meet earlier only a few times.

Congress stays in session from the first Monday in December in odd years until the following summer. This is called the first session, or ' long session." It has a second session beginning the first Monday in December of even years and running through the third of the following March. This is called the "short session."

**306. Powers of Congress.**—Congress has the power to pass laws about all the subjects in the table at the end of the last chapter. All the law-making power of the national government belongs to it alone. But remember, it can exercise no power not granted by the Constitution; and of course it must not do those things which the Constitution forbids. We may say in general that Congress is forbidden to pass any law which would violate the rights and liberties of the people.

**307. Agreement of the Two Houses.**—A majority of both houses is necessary to pass any law. This is in order to prevent a bad or foolish law from being passed in carelessness, haste or anger by one house. After a bill has passed both houses of Congress it is sent to the President, and if he signs it, it becomes a law.

**308. The President's Veto.**—If the President does not think the bill a good one he refuses to sign it, and

returns it to Congress with the reasons for his refusal. Such an act is called vetoing a bill (Latin *veto*, I forbid). Congress must read and consider his objections, and then vote whether it will pass the bill over his veto. To do this requires a two-thirds majority in each house. This it has succeeded in doing (1906) only twenty-nine times in the history of the United States, and fifteen of these cases were under President Johnson during his violent dispute with Congress.

If the President does not either sign or return the bill within ten days, not counting Sundays, it becomes a law without his signature, unless Congress has meantime adjourned.*

The reason the Constitution gives the President the right to veto a bill is because even with two Houses a bad bill or one contrary to the Constitution is sometimes passed. The President is supposed to be a more than ordinarily wise and careful man, and it is hoped that he will prevent bad laws. The respect for the President is so great that even a bill that received more than a two-thirds vote in Congress nearly always fails to receive that many after the President has vetoed it.

* For the President to prevent a bill passed less than ten days before the adjournment of Congress from becoming a law by simply keeping it in his pocket, as it were, is called the "pocket veto."

## CHAPTER XXXVI

### THE SENATE

**309. Origin of the Senate.**—When the Constitution was formed, the large States desired that representation in both houses of Congress should be in proportion to population. But the small States, like Delaware and New Jersey, were afraid that under this plan they would be oppressed by the large States, who would outvote them in Congress. They demanded, therefore, that in each house, each State, whether large or small, should have the same number of votes. It was agreed, as a compromise, that representation in the House of Representatives should be according to population, but that each State should send two members to the Senate.

**310. Numbers, Term and Salary.**—There are now (1906) ninety-two Senators. They are elected for a term of six years; but only a third are elected in any one year. Every two years a third of the Senators are elected. In this way two-thirds of the Senate are old members, who have the benefit of at least four years of experience. This, added to the fact that Senators are generally re-elected, gives the Senate an advantage over the House of Representatives and the President. There is no such thing as a new and inexperienced Senate

The two Senators from a State are not elected in the same year. The salary of a Senator is $5,000 a year, traveling expenses from the Senator's home to Washington and back every time the Senate meets, and wages for a secretary.*

**311. Qualifications.**—A Senator must be thirty years old, a resident of the State he represents and a citizen for nine years of the United States. He is thus mature and experienced and has had time to become completely identified with the country and its interests.

**312. Election.**—Senators are elected by the Legislature of the State because they represent the whole State, and not any one part. A majority of the vote cast is necessary for election.

In South Carolina Democratic candidates for the United States Senate (there have been no Republican candidates since 1872), are voted for in the Democratic primary elections described in sections 253 and 254. The candidate receiving a majority is declared to have received the nomination. As the Legislature in South Carolina is now Democratic, this candidate is elected Senator by the Legislature without opposition.

**313. Officers.**—The Senate is presided over by the Vice-President of the United States, or in his absence by one of its own members, whom it elects. The Senate also elects a clerk, a number of assistant clerks, a chaplain and a number of other officers, such as are needed. None of these are members of the Senate.

**314. Committees.**—The Senate works by committees

* A Representative is allowed $1,200 for a secretary; a Senator $1,500.

in very much the same way as was explained in describing the State Legislature (sections 131–133). The United States Senate at the beginning of each Congress elects forty-nine committees called "Standing Committees," because they stand during the whole two years of the Congress.

Each Senator is on several committees. The party that has a majority in the Senate allows some members of the opposite party on each committee, but always elects a majority of its own members, in order to control the acts of the committee in the way their party desires.

The most important committees are those on appropriations, commerce, finance, foreign relations, interstate commerce, judiciary, military affairs and naval affairs.

**315. How the Senate Transacts Business.**—All bills and most other matters which come up are handed over to the proper committees to be investigated and reported on. Most bills referred in this way are never heard of again; they are "killed in committee." As many bills are foolish and useless, the time of the Senate is saved. It is also true, however, that members frequently, in both houses, introduce useless and foolish bills for outside effect because they know that such bills will die in committee.

When bills are reported by the committee to the Senate, they are discussed before the whole body.

There is more good debating in the Senate than in the House, for the reason that the Senate has so few members that each man who desires has time to discuss a bill fully. But the House is so large that it has very little time to listen to speeches unless they are short.

**316. The Three Readings.**—The rule of Congress is the same as that of the State Legislature in requiring that each bill shall be read aloud by the clerk on three separate days in each house, so that nothing will be done hastily.

**317. Special Powers of the Senate.**—In law-making the powers of the Senate are exactly the same as those of the House, except that it cannot introduce a bill to lay taxes, but must wait for the House to do this, just as is the case in the State Legislature (section 130). But the Senate has four powers which the House has not. These are:

The right to confirm or reject by a majority vote all appointments by the President.

To confirm or reject by a two-thirds vote all treaties with foreign nations made by the President.

To elect the Vice-President if there is no election by the electoral college.

To try impeachments against the President or any other civil officer* of the United States government and by a two-thirds vote find him guilty.

*A civil officer is one not in the army or navy.

Members of Congress cannot be impeached. To the present time (1906) only eight impeachments have ever been brought before the Senate, and only two of these were successful. One was against a drunken United States District Judge, in a time of great political bitterness, whom the party in power disliked, and the other was against a United States District Judge in Tennessee who joined the Confederates. So that impeachment has proved very difficult.

Only one President has been impeached: Andrew Johnson. Conviction failed in his case; but if only one Senator who voted "not guilty" had voted "guilty," it would have succeeded.

**318. Great Senators.**—The United States Senate has been one of the three most famous legislative bodies in the history of the world; the other two being the Senate of the ancient Roman Republic and the British House of Commons. Most of the great debates and famous speeches in the history of Congress have been in the Senate. Until 1859 it met in the small room now occupied by the Supreme Court. There Calhoun displayed his wonderful reasoning powers, Clay poured forth his burning oratory, and Webster uttered his unsurpassed masterpieces of eloquence.

Besides these the Senate has been adorned with the learning, eloquence and patriotism of many other distinguished men: John M. Clayton of Delaware; William H. Crawford, Robert Toombs, Benjamin H. Hill and John B. Gordon of Georgia; Stephen A. Douglas of Illinois; Judah P. Benjamin of Louisiana; James G. Blaine of Maine; Robert Goodloe Harper and William Pinkney of Maryland; John Quincy Adams, Rufus Choate, Charles Sumner and Edward Everett of Massachusetts; Jefferson Davis of Mississippi; Carl Schurz of Missouri; William H. Seward of New York; Zebulon B. Vance of North Carolina; John Sherman and Salmon P. Chase of Ohio; Pierce Butler,

UNITED STATES SENATE CHAMBER

Charles Pinckney, Gen. Thomas Sumter, Robert Y. Hayne, William C. Preston, Wade Hampton, George McDuffie and James H. Hammond of South Carolina; Andrew Jackson of Tennessee; James Monroe and John Randolph of Virginia.

**319. Reasons for the Senate's Influence.**—The Senate and the Supreme Court have grown more influential than the founders of our government foresaw, while the President has gained little, and the House of Representatives has rather lost. In the conflicts over different policies which frequently occur between the Senate and the House or between the Senate and the President, the Senate generally attains the larger measure of success. In such contests the Senate rarely yields to anything short of an emphatic and persistent condemnation of its course by public opinion. Three reasons serve to explain the Senate's great influence:

First, its special powers. By refusing to confirm appointments or treaties it can do a great deal to force the President to submit to its demands.

Second, its small numbers. It is easier to hold a small number of men together and induce them to act in harmony. This helps the Senate greatly against the House with its larger numbers and divided counsels.

Third, its length of term and manner of renewal. The Senators are practically all public men of long experience. Many of them have formerly been members of the House, and so understand the ways and

the weaknesses of that body. Many are successful business men of great wealth whose success over powerful rivals in their business careers gives them skill and confidence in their contests with the President or the House. The fact that only a small number of the Senators are new Senators, as a Senator is usually re-elected, and that only a third of the body is elected at a time, makes the Senate a continuous body that never loses by a temporary dissolution any vantage ground once gained.

### *SUGGESTIVE QUESTIONS*

1. *Give some arguments for the committee system of handling bills.*
2. *Give some arguments against the committee system.*
3. *Mention any objection to the great influence of the Senate.*
4. *Point out any benefits of the Senate's great influence.*

## CHAPTER XXXVII

### THE HOUSE OF REPRESENTATIVES

**320. Numbers, Terms, Salary.**—The Lower House of the United States Congress is called the House of Representatives. It consists (1906) of three hundred and ninety-one members,* elected for a term of two years. A Representative can be re-elected any number of times, and in South Carolina we generally re-elect our Representatives several times; but taking

* Oklahoma included.

South Carolina
Divided into
Congressional Districts
by Act of 1902

the country at large, only about half the Representatives are re-elected. This causes half the House always to be new, inexperienced men and gives the Senate a great advantage whenever there is any disagreement between the two houses.

The salary is $5,000 a year, with traveling expenses from home and back every time Congress meets, and wages for a secretary.

**321. Qualifications.**—The Constitution provides that a member of the House of Representatives must be twenty-five years of age, must have been a citizen of the United States for seven years, and must reside in the State from which he is elected.

**322. Apportionment.***—The House of Representatives does not consist of a fixed number from each State, like the Senate; each State sends one Representative (1906) for every 194,000 population. Tennessee, for instance, has ten Representatives because she has, in round numbers, a population equal to ten times 194,000. But every State must have at least one Representative, no matter how small its population. There are six States of this kind. New York, with her great population, sends thirty-seven.

**323. Election.**—Each State is divided by its Legislature into as many congressional districts as it is en-

* Apportionment means dividing something among different persons or groups.

titled to elect Representatives. The people in each district elect a Representative by popular vote. The man getting the most votes is elected; a majority is not required.

In South Carolina the Democrats nominate their Representatives in a primary election, just as they do other officers, and the man getting a majority in the primary is always elected, because nobody runs against him in the general election (sections 253–254).

A Representative is not required by law to live in the district he represents; but the people in a district will not vote for an outsider, so custom requires the candidates to be residents of the district. Occasionally in a large city which is divided into two or more congressional districts, the people of one district have elected a Representative who lived in another district of the city. The United States is the only self-governing country in the world in which custom requires a Representative to live in the district he represents.

324. **Method of Work.**—The House works in very much the same way as the Senate, except that it is much more hurried and confused on account of its larger membership, and depends more largely upon its committees than upon debate before the whole house.

The hall of the House is so large, including its great gallery capable of seating 2,000 visitors, that only a strong voice can be heard. A great many more bills are introduced in the House than in the Senate, and this also compels the House to depend more upon committee work. As many as 14,328 bills and joint resolutions have been introduced in the House in one session of Congress. The Senators introduced only 5,318 during the same session. It is said * that less than one in thirty of the bills

* Bryce, American Commonwealth, I, 137.

introduced become laws. In some years, however, as many as one in ten or fifteen are passed.*

**325. Committees.**—The House has 56 "standing committees," besides any special committees that may be needed. Bills, resolutions or other business are referred to the proper committee and are usually never heard of again. If the committee makes an unfavorable report on any bill, the House usually decides against the bill; for it supposes that the committee has investigated the matter carefully and has good reasons for reporting against it. If a bill is favorably reported, it has a good chance of being passed by the House.

**326. The Speaker.**—The presiding officer of the House of Representatives is called the Speaker. He is elected at the beginning of each Congress and serves during both its terms, that is until a new Congress comes in two years later. The Speaker is selected from the principal leaders of the party in the majority in the House.

**327. Power of the Speaker.**—The Speaker is the most powerful and important presiding officer in the world. It is sometimes said that the Speaker of the House of Representatives has more power than the President of the United States. Certainly a bold and able Speaker is more influential than a weak or timid

* Ashley, American Federal State, 251.

President. There are three reasons why he is such an important officer:

First, his appointing power.

Second, his being chairman of the Committee on Rules.

Third, his power to recognize whom he pleases.

**328. First, the Speaker's Appointing Power.**—The Speaker appoints all the standing committees of the House, and usually the special committees. As the committees have such a great control over legislation, through their reports on bills, he can often secure almost any kind of legislation he pleases by appointing men on the committees who will help or hinder certain kinds of laws.

The Speaker in exercising this influence over the work of the House is really exercising it for the party that has a majority in the House; for they elect him because he will carry out their desires.

**329. Second, Chairman of the Committee on Rules.**—The Speaker is chairman of the Committee on Rules, and as this is a small committee of only two other members, both of whom he appoints, he can have almost any rule made that he pleases, according to which the House must work. Of course the House must adopt the rules in order for them to have any force; but they usually adopt any that the committee requests.

Examples of the rules of the House are: Speeches at certain times must not be over five minutes long, at other times not over

an hour; that a law must deal with only one subject, which must be stated in its title; that a member who is present is to be counted as present whether he answers the roll call or not; that standing committees shall be appointed by the Speaker; that members must not use abusive or indecent language in debate; that debate may be closed by a vote of the House at any time.

**330. Third, the Speaker Recognizes Whom He Pleases.**—In most public bodies it is the duty of the presiding officer to allow that member to speak who first rises and says, "Mr. Speaker." But that is not so in the House of Representatives. The Speaker can thus give a better chance to the strong and influential debaters on his side and can prevent the time of the House from being wasted by insignificant men. He can also prevent the opposite side from getting its full share in the debate; but this is considered so unfair that the Speaker nearly always gives the members on both sides a chance to state their arguments.

**331. Special Powers of the House.**—The House has three special powers which do not belong to the Senate.

First, all bills to lay taxes must be begun by it, because its members are elected directly by the people who are taxed, and not, like the Senators, by the State Legislatures.

Second, the House can impeach the President or any other civil officer of the United States government. The House draws up a formal charge, called articles of impeachment, against the officer and appoints

several of its members to manage the case. They then go before the Senate and show by witnesses and speeches why the officer ought to be found guilty and removed from office.

Third, if no candidate for President gets a majority in the electoral college, the House elects a President from the three candidates having the highest number of electoral votes. When the House has to perform this duty, as has twice been the case, the Representatives from each State decide among themselves whom they will vote for, and each State casts one vote. A majority of all the States in the Union is necessary to elect.

### *SUGGESTIVE QUESTIONS*

1. *How many congressional districts are there in your State?*
2. *Who is your Congressman?*
3. *Divide the population of your State by* 194,000 *and see how many Congressmen the State ought to have. Find out if this is really the number.*
4. *Give some arguments in favor of requiring a Congressman to live in the district he represents.*
5. *Give some arguments against requiring a Congressman to live in the district he represents.*
6. *Who is now the Speaker of the House of Representatives? To what party does he belong?*
7. *Can you think of any reasons that would tend to make the Speaker treat both Democrats and Republicans fairly?*

## OUTLINE REVIEW OF THE LEGISLATIVE DEPARTMENT OF THE NATIONAL GOVERNMENT

### Congress.

Two houses (§303).
Nature of the two houses (§ 304).
Time of meeting (§ 305).
Powers of Congress (§§ 306 and 283–300).
Pre ident's veto (§§ 308; 343).

### The Senate.

Origin of the Senate (§ 309).
Number, term and alary of Senators (§ 310).
Election of Senators (§ 312).
Presided over by Vice-President (§ 313).
Committees and their work (§§ 314–315).
Bill must pass three readings to become law (§ 316).
Special powers of the Senate (§ 317):
- Ratifying treaties.
- Confirming appointments.
- Trying impeachments.
- Electing Vice-President in case of no election by electors.

Great influence of the Senate (§ 319).

### The House of Representatives.

Number, term and salary of Representatives (§ 320).
Apportionment and election of Representatives (§§ 322–323).
Method of work (§ 324).
Committees (§ 325).
The Speaker and his great power (§§ 326–327):
- Appoints committees (§ 328).

Is Chairman of Committee on Rules (§ 329).
Recognizes whom he pleases (§ 330).

Special Powers of the House of Representatives (§ 331)
Originates all tax bills.
Possesses sole power of bringing impeachments.
Elects President in case of no election by electors.

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NOTE ON AMENDING THE UNITED STATES CONSTITUTION.—It is very difficult to amend, or change, the United States Constitution, and accordingly it has been very seldom done. The first twelve amendments were added a few years after the adoption of the Constitution to remedy what were considered defects; the other three were adopted as the result of the war of Secession. The final power of adopting amendments rests with the States; but there are two ways in which amendments may be originated. The process is as follows:

Congress may propose an amendment by the Senate and the House of Representatives, each passing it by a two-thirds vote. Congress then sends the amendment to the Legislature of each State or to a special convention called in each State, either way that Congress prefers. (It has always chosen to send the amendment to the Legislatures.) If three-fourths of the States approve, the amendment is adopted.

This is the simplest way and the way that has always been used; but an amendment may also be proposed in the following way: If the Legislatures of two-thirds of the States demand it, Congress must call a national convention to propose amendments. Any amendments originated in this way must be adopted by three-fourths of the States. It is this large proportion of the States whose ratification is required that makes amendment so difficult.

## *Part II.—The Executive Department*

# CHAPTER XXXVIII

### THE PRESIDENT

**332. Undivided Executive Authority.**—The executive authority is very differently placed in the national government from what it is in the State governments. You remember (section 148) that in the State government the executive work is distributed among a number of officers, each of whom is independent of the others. Even the Governor has no control, but only a sort of oversight, over the heads of the different executive offices.

In the United States government it is entirely different. The Constitution puts the whole executive department under the control of the President. The heads of the different executive offices are appointed and discharged by the President, and the country looks to him to use his power to secure honesty and efficiency in every branch of the executive work.

**333. Advantages of Concentrated Executive Authority.**—The chief reasons which led the framers of our Constitution to adopt this system are that it makes administration more efficient, and it enables the people

to fix the responsibility for good or bad administration of the government definitely on one man. As his responsibility is so great, the President is very anxious to secure the very best men to attend to the different branches of the executive business. If the Post Office Department or the Department of War is badly administered, public opinion forces the President to discharge the unsatisfactory officer. But if the heads of the different executive offices were elected by the people, they could not be put out of office until the next election except by impeachment, and this is so difficult that it is practically never done.

Another advantage of having the President responsible for the whole executive department is that frequently men who make the best executive officers, and would therefore be likely to be appointed by the President, are men who could never succeed in being elected by the people.

**334. Term.**—The President is elected for four years. Almost without exception our ablest Presidents have been elected for a second term. Washington and Jefferson both refused to be elected for a third term, and their example is so much respected that the people have never been willing to elect any other President more than twice.

**335. Qualifications.**—The President must be at least thirty-five years of age, and must have been

born a citizen of the United States. This is in order that the President may always be a man who thoroughly understands American institutions and will administer the government on American principles. No other officer besides the President and Vice-President is required to have been born an American citizen.

When the Constitution was adopted there were a number of noble patriots who had helped to win the country's freedom, such as Alexander Hamilton and Albert Gallatin, who were born in foreign countries, but had lived in America for many years. In order to make it possible for such men to be elected President the Constitution provided that any man of the required age who had lived in the United States for fourteen years at the time of the adoption of the Constitution (that is, since the year before the Revolution began) might be elected President. But no such man was ever even nominated. Of course all foreign born citizens who came to this country as early as 1774 are long since dead; so that this clause of the Constitution has now no practical application.

**336. Salary.**—The President receives a salary of $50,000 a year. This looks like a very large amount; but the expenses the President has to meet are so great that he generally goes out of office without having saved anything.

Congress cannot change the salary during the President's term; because if it could, it might bribe him by an increase or intimidate him by a reduction.

**337. Method of Election.**—The framers of the Constitution thought that the masses of the people in a large country like ours would not know the leading

public men well enough to be able to make the wisest choice for President. They thought it would be best to have the President elected by a small number of leading citizens elected by the people for this purpose. These leading citizens would be likely to know the good and bad qualities of any candidate. Most likely they would know him personally. For these reasons the Constitution says that each State shall vote for a certain number of electors, who shall elect the President.

Each State has as many Presidential electors as it has representatives in both houses of Congress. For instance, South Carolina has two Senators and seven members of the House of Representatives; therefore she elects nine Presidential electors. New York has thirty-seven members of the House of Representatives and two Senators, which gives her thirty-nine Presidential electors, the greatest number of any State.

**338. Election of the Presidential Electors.**—Each State has the right to select its electors in any way it pleases, but for many years they have been elected by the people. At first in many States they were elected by the Legislature. South Carolina, in 1868, was the last State to put the election of electors in the hands of the people.*

* The Constitutional Convention of 1865 expressed its opinion that electors should be elected by the people, but did not put it in the Constitution. I

Presidential electors are elected every fourth year, because the President's term is four years. The year is one that can be divided evenly by four; for instance, 1900, 1904, 1908, 1912. Congress has fixed the day all over the United States as the Tuesday after the first Monday in November.

*Presidential Electors.*

T. J. CUNNINGHAM.
GEORGE JOHNSTONE.
M. P. HOWELL.
B. W. CROUCH.
H. H. WATKINS.
W. T. JETER.
W. M. SHANNON.
OLIN SAWYER.
A. W. SUMMERS.

Democratic electoral ballot used in South Carolina in 1904.

**339. How the Electors Elect the President.**—The men who have been chosen electors go to the State capital in the following January and vote for a man for President and one for Vice-President. They send

thank Mr. J. S. Reynolds for this information. The Constitution of 1865 was soon overthrown by Congress's "Great Reconstruction Act" of 1867.

the record of their vote to Washington, where it is locked up in an iron safe. In February the Senate comes into the hall of the House of Representatives, and in the presence of both houses the votes of all the States are counted. The man who gets a majority is elected.

**340. Election by the House of Representatives.**—It has happened twice that no candidate received a majority of the electoral vote. The Constitution provides that in that case the House of Representatives shall elect the President from the three candidates who received the highest number of electoral votes. For instance, in 1824 Jackson received 99 votes, Adams, 84, Crawford, 41, and Clay, 37. The House of Representatives then had to elect either Jackson, Adams or Crawford. They elected Adams.

In voting for President, the Representatives from each State decide which candidate they will cast the vote of their State for. Thus each State has only one vote. In an election by the House a candidate must receive the votes of a majority of all the States in the Union in order to be elected.

**341. Inauguration.**—On the 4th of March (or the 5th if the 4th comes on Sunday) after his election, the President takes the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

He then reads publicly a paper declaring what objects he proposes to accomplish and how he intends to treat different matters which are before the country. This is called his inaugural address.

**342. Duties.**—The duties of the President are, in general, to see that the laws are faithfully executed. He has full power to do this, for the whole executive power is in his hands. Besides these general duties, he has any particular executive duties which the law may lay upon him. Besides these he has certain other powers which it is his duty to exercise to the best interests of the country.

**343. Veto.**—The Constitution gives the President the right to veto any bill passed by Congress. This has already been explained in section 308. The early Presidents used the veto only when they thought a bill was unconstitutional; but now the President vetoes a bill for that or any other reason he chooses. The veto power has been wisely used, and has protected the country against some very hasty and harmful laws. The veto power does not enable the President to force any bad law on the country; but it does enable him to keep Congress from so doing. It is not likely that the President will use his power to prevent a good law.

**344. Treaties.**—A treaty is a written agreement between two or more countries, in which they do or

promise to do certain things. For instance, by the treaty of peace in 1898 Spain gave us the Philippine Islands and Porto Rico and set Cuba free, and we agreed to pay Spain $20,000,000. In a treaty in 1842 England and the United States promised to surrender any murderers or burglars who escaped from one country to the other.

**345. The Treaty Making Power.**—The President has the right to make all treaties; but, as we learned in section 317, no treaty becomes law or has any force until the Senate agrees to it by a two-thirds vote.

Originally the Senate left the President to make treaties very much as he chose, and confirmed the treaties when presented to it, unless they contained some bad feature; but soon the Senate began to compel the President to consult it all along while making the treaty. If he does not do this the Senate will almost certainly refuse its confirmation.

**346. Appointing Power.**—The Constitution gives the President the right to appoint all officers in the army and navy and in the different executive offices, subject to confirmation by a majority vote of the Senate. Congress may, however, pass laws giving the courts or the heads of the different executive departments or the President himself the right to appoint the less important officers without confirmation.

347. "*Senatorial Courtesy.*"—As the Senate must confirm appointments by the President, it can often compel him to appoint the men it wants by refusing to confirm anybody else.

This makes the President's real power much less than it appears. The Senators from the different States, if they belong to the same political party as the President, insist on his taking their advice in many cases and appointing their friends to offices in their States. The Senators have come to stand by each other in this, and so largely control the President's appointments. This is called "Senatorial courtesy."

The Senate has never attempted, however, to deny the President full freedom in he appointment of members of his cabinet except during its struggles with President Jackson and President Johnson.

348. *Civil Service Reform* is a movement to secure the appointment of officers on account of merit instead of on account of their holding certain political views or being the favorite of some official or politician. It has already greatly improved the character of thousands of the government officials and is sure to do great good by putting better and better men into appointive positions.

Anybody who chooses can stand examinations before he government, and the appointments to these offices which are under the Civil Service Reform rule must be made from those who stand the best examinations. So long as they perform their duties faithfully and well they cannot be discharged.

**349. The Vice-President.**—The Vice-President is elected at the same time as the President and must have the same qualifications, as he may at any time become President. In case the President dies, resigns, is removed by impeachment or is permanently unable, on account of illness, to attend to his duties, the Vice-President exercises the duties of President. The Vice-President has never been called upon to exercise these duties except because of the death of the President; this has occurred five times.

**350. Law of Succession.**—After the Vice-President

becomes President there is nobody to take his place as Vice-President. The Senate simply is presided over by one of its own members.

If the President and Vice-President both die, the Secretary of State becomes President; if he dies, the Secretary of Treasury; if he dies, the Secretary of War; and so on through the Attorney-General, the Postmaster-General, the Secretary of the Navy and the Secretary of the Interior. If a cabinet officer has not yet been confirmed by the Senate, or is not thirty-five years old and a native born citizen, he is skipped in the succession.

This law was passed in 1886. Before that time there was another arrangement, not at all good, under which serious confusion might have arisen; but now there is no reasonable possibility of the country's being left without a President.

## *SUGGESTIVE QUESTIONS*

1. *Why is a strong President not likely to get along well with the Senate?*
2. *Has there ever been a President from South Carolina?*
3. *Has there ever been a Vice-President from South Carolina?*
4. *Have Vice-Presidents who have succeeded to the Presidency made satisfactory Presidents?*
5. *Is the Vice-Presidency a good or bad arrangement? Why?*
6. *Find out some Federal officers that are under Civil Service Reform rules.*

## CHAPTER XXXIX

### THE PRESIDENT'S CABINET

**351. Definition.**—The cabinet is a body of nine men whom the President appoints to attend to the different branches into which the executive business has been divided.

**352. Why Necessary.**—No one man could attend to all the vast executive business of a great government. For this reason the President, whose duty it is to see that it is all attended to, has to appoint his cabinet to help him. The work of each cabinet officer even is so great that he has to have several officers to divide it with him, each of whom has many subordinates under him.

The cabinet does not relieve the President of any of his responsibilities as chief executive. Each cabinet officer is responsible for the faithful discharge of his own duties, and can be punished for violating the laws. The President cannot be punished for wrongs done by a cabinet officer; but he is responsible for the officer in the sense that he must watch him and discharge him in case he is not honest or efficient.

**353. The Executive Departments.**—The business under the charge of a cabinet officer is called an executive department. There are at present (1906) nine:

The Department of State, under the Secretary of State (created in 1789*).

The Treasury Department, under the Secretary of the Treasury (created in 1789).

The War Department, under the Secretary of War (created in 1789).

The Department of Justice, under the Attorney-General (organized as a department in 1871, though the Attorney-General has been a member of the cabinet since 1789).

The Postoffice Department, under the Postmaster-General (created in 1794, but the head of this department was not recognized as a cabinet officer until 1829).

The Navy Department, under the Secretary of the Navy (created in 1798).

The Interior Department, under the Secretary of the Interior (created in 1849).

The Department of Agriculture, under the Secretary of Agriculture (created in 1888).

The Department of Commerce and Labor, under the Secretary of Commerce and Labor (created in 1903).

**354. Appointment, Term, Salary.**—The cabinet officers are appointed by the President. They must

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* The dates are for reference, not for memorizing.

be confirmed by a majority vote in the Senate; but it is so important that the President be free to choose his advisers that the Senate has never refused its confirmation except on a few occasions during violent disputes with the President.

The President can discharge a member of his cabinet for any reason that he sees fit, without anybody's consent or advice. This is right, because the Constitution gives the whole executive power and responsibility to the President, and he cannot meet these great duties properly unless he is free to discharge his counselors and assistants and have them attend to the executive business in the way he thinks best.

The salary of a cabinet officer is $8,000.

**355. Advisers of the President.**—The President may ask the advice of the whole cabinet or any member on any government question. He can require a member to give his opinion in writing on any matter connected with his own department.

It is customary for the President to have a meeting of the cabinet once a week, at which matters of importance are discussed. After full debate, a vote is often taken to find what the majority of the cabinet think; but this does not bind the President. He can refuse to take their advice; they are his counselors and assistants, not his masters. It is sometimes the

case, however, that several members of the cabinet are wiser and greater men than the President, and by their influence enable him to be a much better President than he could be by his own wisdom alone. Some of our weakest Presidents have had the advice of some of our greatest statesmen as members of their cabinet.

**356. Relation to Congress.**—The head of each executive department knows, or should know, more than anybody else about the needs and best interests of his department and how it can be made of most benefit to the country. For this reason, and also in order that Congress may know the condition of the executive business, each secretary makes a report every year to Congress. The report gives an account of what has been done and makes suggestions and requests as to any needed improvements.

Congress can at any time investigate any department. It does this when a department is suspected of wrong-doing.

**357. Great Men Who Have Been Cabinet Officers.**—Many of our greatest men have failed to be elected President, as Hamilton, Calhoun, Clay and Webster. But almost all our greatest statesmen have served their country in the cabinet. Jefferson, Marshall, Madison, Clay, Webster, Calhoun, Seward, Blaine and Hay have been Secretary of State; Hamilton,

Gallatin and Taney have been Secretary of the Treasury; Calhoun, Jefferson Davis and U. S. Grant have been Secretary of War.

### *SUGGESTIVE QUESTIONS*

1. *Who are the six South Carolinians who have been cabinet officers?* (The New York World Almanac contains much information of this kind.)

2. *Cite cases in which the President was inferior as a statesman to one of his cabinet.*

3. *What influence has his cabinet on the success of a President's administration?*

## CHAPTER XL

### THE DEPARTMENT OF STATE

**358. Foreign Affairs.**—Every country has certain relations and business with other countries. This may be illustrated by two neighboring families. Some of these relations are pleasant, such as two families agreeing to have a picnic together, to build a fence between their places or use the same well. Some are unpleasant, such as disputes arising on account of their children's fighting each other, or one family's interfering with the other's rights.

It is just this way with nations. They have to agree about disputed boundary lines, see that their citizens are treated fairly when in foreign countries,

and decide as to rules governing ships at sea, and so forth. All these are foreign affairs, and in the United States their management is entrusted to the Secretary of State.

**359. Principal Duties of the Secretary of State.**—The Secretary of State receives the representatives whom other countries send to the United States to look after their interests, and sends instructions and advice to our officers who attend to our interests in foreign countries.

**360. The Diplomatic Service.**—The officers whom our government sends to foreign countries to represent this government and protect the interests of our citizens are called the diplomatic service. They have charge of matters arising between the government of our country and the countries to which they are sent.

**361. Grades.**—The United States has three grades of diplomatic officers, according to the importance of the countries to which they are sent.

First, there are Ambassadors. There are (1906) seven of these, one sent to each of the following countries: Austria-Hungary, France, Germany, Great Britain, Italy, Mexico and Russia. The full title is "Ambassador Extraordinary and Plenipotentiary."

Second, there are twenty-nine bearing the title "Envoy Extraordinary and Minister Plenipotentiary."

These are sent to countries like Spain, Peru, and so on down.

Third, to three insignificant countries we send "Ministers Resident."

Sometimes when the President cannot secure just the man he wants, or for some other reason, he appoints instead of an ambassador or minister a "chargé d'affaires" (pronounced *sharzhay daffair*), which means, "one in charge of affairs." The "chargé d'affaires" usually holds office only a few months until a regular ambassador or minister is appointed.

**362. Appointment.**—All diplomatic officers are appointed by the President, and may be discharged by him at any time. The President's power to discharge is necessary, because a minister who becomes dissatisfied or opposes the President's ideas cannot be trusted to carry out his wishes. Ambassadors and ministers are not appointed to act according to their own views, but simply to conduct the government's affairs with foreign countries in the way directed by the Chief Executive, the President.

**363. The Secretary of State and the Diplomatic Service.**—All instructions to the diplomatic officers are sent by the Secretary of State, and they in turn report to him. The President keeps a general control, but has the Secretary of State to attend to all the details.

**364. Freedom Allowed the Secretary.**—The President allows the Secretary of State considerable freedom in conducting our foreign relations. He tells the Secretary what general objects and principles he is to pursue and constantly advises with him on important matters; but he does not usually interfere with the particular words or acts of the Secretary. We see the wisdom of this method when we remember that almost every one of our wisest and greatest statesmen has been Secretary of State, as Jefferson, Marshall, Madison, Monroe, John Quincy Adams, Clay, Webster and Calhoun.

**365. Treaties.**—The Secretary of State has direct charge in the forming of treaties. A treaty is a written agreement between governments, and forms a part of the law of the countries signing it. When treaties between the United States and any other country are made in Washington, the Secretary of State usually attends to the work in person; when they are made in some foreign country, he acts through the diplomatic officer sent for the purpose.

**366. The Consular Service.**—The next most important duty of the Secretary of State is to direct the consular service. This he does in the same way as he does the diplomatic service.

A consul is an officer sent to a foreign country to guard the business interests of his fellow citizens

abroad, to keep his government informed on trade conditions, and to increase his country's foreign commerce. Diplomatic officers are entrusted with the business arising between governments: consuls attend to business concerning private citizens. Only one ambassador or minister is sent to each country, but a consul is sent to every important city.

**367. Other Duties of Consuls.**—When an American dies abroad, if no member of his family is present, it is the consul's duty to take charge of his property and turn it over to the proper persons at home. If a sailor on an American vessel is wronged by anyone on the ship, he may complain to the consul, who may punish the wrong-doer or send a report of the matter to the American government, so that the guilty person may be punished when he returns to the United States.

In certain badly governed countries whose courts cannot be trusted to do justice, the consul tries all cases in which an American in that country may be involved; and moreover the consul judges the case by American law. This is called extra-territoriality.

**368. Lesser Duties of the Secretary of State.**—The Secretary of State keeps the original records of all laws and treaties. The Declaration of Independence, just as Jefferson wrote it, the original copy of the treaty which closed the Revolutionary war and acknowledged our independence, the original copy of the Con-

stitution, with the signatures of Washington and the rest, and hundreds of other interesting and important documents are in his office.

He also keeps the great seal of the United States and stamps it on all papers for which it is required.

## CHAPTER XLI

### THE TREASURY DEPARTMENT

**369. The United States Treasury Department** is in charge of a cabinet officer called the Secretary of the Treasury. His duties are of the same general nature as those of any ordinary treasurer and comptroller-general combined, only larger and more difficult. He sees to the collection, safekeeping and paying out of the government's money. This is a very serious responsibility, involving about five hundred million dollars of cash every year; but the office has been conducted with such honesty and ability that the government has never suffered any serious loss in its Treasury Department.

**370. The Mint** is the place where the government takes gold, silver, nickel and copper and makes them into money. It is one of the most important branches of the Treasury Department.

**371. The Bureau of Engraving and Printing** is

another important branch of the Treasury Department. In it the paper money and stamps are printed.

**372. National Banks.**—National banks are those banks that are conducted under the laws and regulations of the United States government, instead of the laws of some particular State. They are under the oversight of an officer of the Treasury Department called the Comptroller of the Currency. He sees that they are properly managed and obey the law.

**373. The Secretary of the Treasury and Congress.**—It is so important that the people be kept in immediate touch with the management of the money affairs of the government that the report of the Secretary of the Treasury is sent direct to Congress, and not through the hands of the President. Congress exercises a closer control over this department than any other.

Also the Secretary of the Treasury is expected to give advice and information to Congress as to how much revenue is needed, by what sort of taxes it can best be raised, and by what plans the national debt ought to be managed and paid.

The Secretary of the Treasury is second in rank in the cabinet; but his work is usually the most burdensome and is in some respects the most important.

## CHAPTER XLII

### OTHER CABINET OFFICERS

**374.** The names of the other executive departments as given in section 353 suggest their duties so plainly that not much explanation is needed.

**375. The War Department and the Navy Department** have charge of the army and navy. It is their duty to keep up with the latest improvements in weapons, powder, ships, and everything else tending to improve the fighting power of soldiers and sailors. The Secretary of War has general oversight over the military academy at West Point, where the officers of the army are educated. The Secretary of the Navy has oversight over the naval academy at Annapolis, where the officers who are to command our ships of war are trained.

376. *Assignment of Students at West Point and Annapolis.* —Each State sends, at the expense of the United States government, as many young men to West Point as it has members of both Houses of Congress. Each territory, the District of Columbia and Porto Rico also send one each. In addition to these the President appoints forty, making a total (1906) of 522. Each State and Territory and district sends twice as many to Annapolis as to West Point and the President appoints five each year, making the number at Annapolis about twice that at West Point.

**377. The Secretaries During War.**—In time of war the Secretary of War and the Secretary of the Navy become very important officials because of their increased responsibilities. However, they can control

the movement of the army and navy only as approved by the President, as they, like all other cabinet officers, are simply his subordinates.

**378. The Postoffice Department.**—The Postoffice Department is directed by the Postmaster-General. He has control of the mail service of the country. A wise and skilful administration of its thousands of routes can have great influence on the prosperity and intelligence of the people. Its object is not to make money for the government, but to carry mail in the cheapest and quickest way possible for the benefit of the people.

**379. The Department of Justice.**—At the head of this department is the Attorney-General. The duty of this officer is, when requested, to advise the President and the other executive officers as to the meaning of the law, and to prosecute offenders against the United States government. He is especially charged with enforcing the laws against trusts and against dishonest public officers. For these reasons he is given direction over the seventy-odd United States District Attorneys throughout the country, whom he uses as assistants in the performance of the duties mentioned in the last sentence.

**380. The Department of Agriculture.**—This department, of vast importance to a nation whose prosperity depends so largely upon the cultivation of the soil, has

as its object the improvement of farming. It conducts experiments for the purpose of showing what plants grow best in different soils, what seeds and manures bring the largest crops, and so forth. Some of the most important branches of its work are the preservation of our forests; the study of harmful insects and methods for getting rid of them; and the weather bureau, by which truck farmers, fruit raisers and sea captains are enabled to guard against frost, freezes and storms.

**381. The Department of Commerce and Labor.**— This youngest but very important department studies the conditions of working people in different trades and suggests improvements. It investigates trusts, corporations and strikes so as to discover the best methods for controlling them. One of its most important duties is the managing of the census.

The stupendous values represented by our agricultural and manufacturing wealth are now about equal and comprise a body of riches beyond anything ever possessed by any nation in history. The two executive departments devoted to their interests have a noble mission for the well-being of the country. Taken together they might well be called the departments of peace, industry and prosperity. They are worthy of the best talent and patriotism at the command of the government.

## OUTLINE REVIEW OF THE EXECUTIVE DEPARTMENT OF THE NATIONAL GOVERNMENT

### The President.

Undivided Executive authority (§ 332).
  Its advantages (§ 333).
Term of the Presiden (§ 334).
Qualifications (§ 335).
Method of electing President (§§ 337–340).
  Apportionment o electors (§ 337).
  Reason for adoption of this method of election (§ 337).
  Electing the electors (§ 338).
  Election of the President by the electors (§ 339).
  Election of President by House of Representatives if electors fail to elect (§ 340).
Inauguration (§ 341).
Duties (§ 342).
Veto (§ 343; also § 308).
Negotiates treaties, subject to the Senate's ratification (§ 345).
Appoints numerous officers, subject to the Senate's confirmation (§ 346).
  Civil service reform and the purification of politics (§ 348).
The Vice-President (§ 349).
  Succeeds to the Presidency if President dies, etc.
  Presides over the Senate.
Law of succession to the Presidency (§ 350).

### The President's Cabinet.

The various executive departments (§ 353).
Appointment, term and salary of cabinet officers (§ 354).

Cabinet officers the advisers of the President (§ 355).
Reports of cabinet officers sent to Congress (§ 356).

**Department of State.**

Nature of foreign affairs (§ 358).
Presided over by the Secretary of State (§§ 358–359).
  Negotiates treaties (§ 365).
  Supervises the diplomatic service (§§ 363–364).
    Duties of diplomatic officers (§ 360).
  Supervises consuls (§ 366).
    Duties of consuls (§§ 366–367).

**The Treasury Department.**

Presided over by the Secretary of the Treasury (§ 369).
The mint (§ 370).
National banks (§ 372).
Intimate relations of the Secretary of the Treasury with Congress (§ 373).

**Other Cabinet Officers.**

The Secretary of War (§ 375).
  West Point Military Academy (§ 376).
The Secretary of the Navy (§ 375).
  Naval Academy at Annapolis (§ 376).
The Postoffice Department (§ 378).
The Department of Justice (§ 379).
The Department of Agriculture (§ 380).
The Department of Commerce and Labor (§ 381).

## *Part III.—The Judiciary Department*

# CHAPTER XLIII

### THE UNITED STATES COURTS

**382. The Two Governments of the American System.**—Every American lives under two governments and two sets of laws—those of the State and those of the Nation. These are parts of one system; but each has its own complete and separate set of officers. We have learned of the State chief executive, called the Governor, and the national executive, called the President; of the State legislature and the national Congress. You remember that we learned that the State has also a number of Judges, who interpret and administer the law. Just so the national government has a number of Judges who hold the United States courts.

**383. Duties of the United States Courts.**—The United States courts try cases which could not be fairly or properly tried in State courts. When the nature of these cases is explained, you will see how necessary it is to have them tried in the United States courts. These cases fall into three classes:

First, cases which the United States courts try

because of the kind of law governing the case; second, cases which they try on account of the persons involved in the case; and third, cases which they try on account of the place in which the case arises. We may say briefly that the United States courts try a case on account of the law, person or place.

**384. First, Cases on Account of the Nature of the Law Governing the Case.**—If anyone claims a certain right under the national Constitution, it is reasonable that the national courts should be the ones to explain the true meaning of the Constitution and say whether or not the person is right in claiming that the United States Constitution guarantees him the right he claims. Otherwise, the Constitution might be wrongly interpreted and citizens deprived of the rights which it guarantees. The same thing is true regarding laws and treaties made by the United States government. We may say, then, that the United States courts try cases in which either person in the case claims a right under the United States Constitution, laws or treaties.

**385. Second, Cases on Account of the Parties to the Case.***—If a citizen of one State should have a dispute with a citizen of another State, it would be very likely that the court of either State would be prejudiced in favor of its own citizen. For instance, a South Carolin-

* The persons on the opposite sides in a case are called the parties to the case or suit.

ian would fear that if he brought a case against a citizen of Ohio in an Ohio court, the court would decide unfairly in favor of the Ohio man. But the United States court does not belong to either State; it is not likely to be prejudiced in favor of either side. For this reason, the United States courts try cases between citizens of different States. For the same reason they try cases between a foreigner and a citizen of any State. States themselves sometimes have cases against each other or against citizens of other States. For instance, one State recently refused to pay an old debt to another State. In order to escape local prejudices, these cases are tried before the United States courts.*

Cases involving ambassadors, ministers or consuls of foreign countries are tried in the United States courts.†

**386. Third, Cases on Account of the Place in which the Case Arises.**—If a crime is committed on an American vessel at sea, or if a civil case is brought up on account of any act or fact which happened on an American vessel at sea, the case is tried by the United States courts, for the reason that the occurrence does

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* A case in which two States or a State and a foreign country are the parties cannot be tried in any United States court except the Supreme Court. A case begun *by a private individual* against a State cannot be tried in the United States courts, but a case of a State against a private individual not a citizen of that State can be.

† Cases brought *against* one of these can be tried only in the Supreme Court.

not fall within the limits of any State. Only the national government can keep order or punish crime on the high seas.*

The courts in the District of Columbia and in the territories, though under the control of Congress, are not a part of the system known as the Federal courts, or, as commonly called, United States courts.

**387. Criminal and Civil Cases.**—Just as in the State courts (sections 206-7), so in the United States courts there are two kinds of cases, criminal and civil. A criminal case is one in which a person is tried for violating the law; a civil case is one in which two or more persons are in dispute about their rights or duties toward each other. Examples of criminal offenses which are tried in the United States courts are distilling whisky contrary to law, smuggling goods into the United States without paying the tariff, robbing the mails, and violation of the national bank law by officers of national banks. The civil cases tried by United States courts are of very much the same character as those tried by the State courts.

**388. Similarity of State and United States Courts.**—The method of trying cases is very much the same

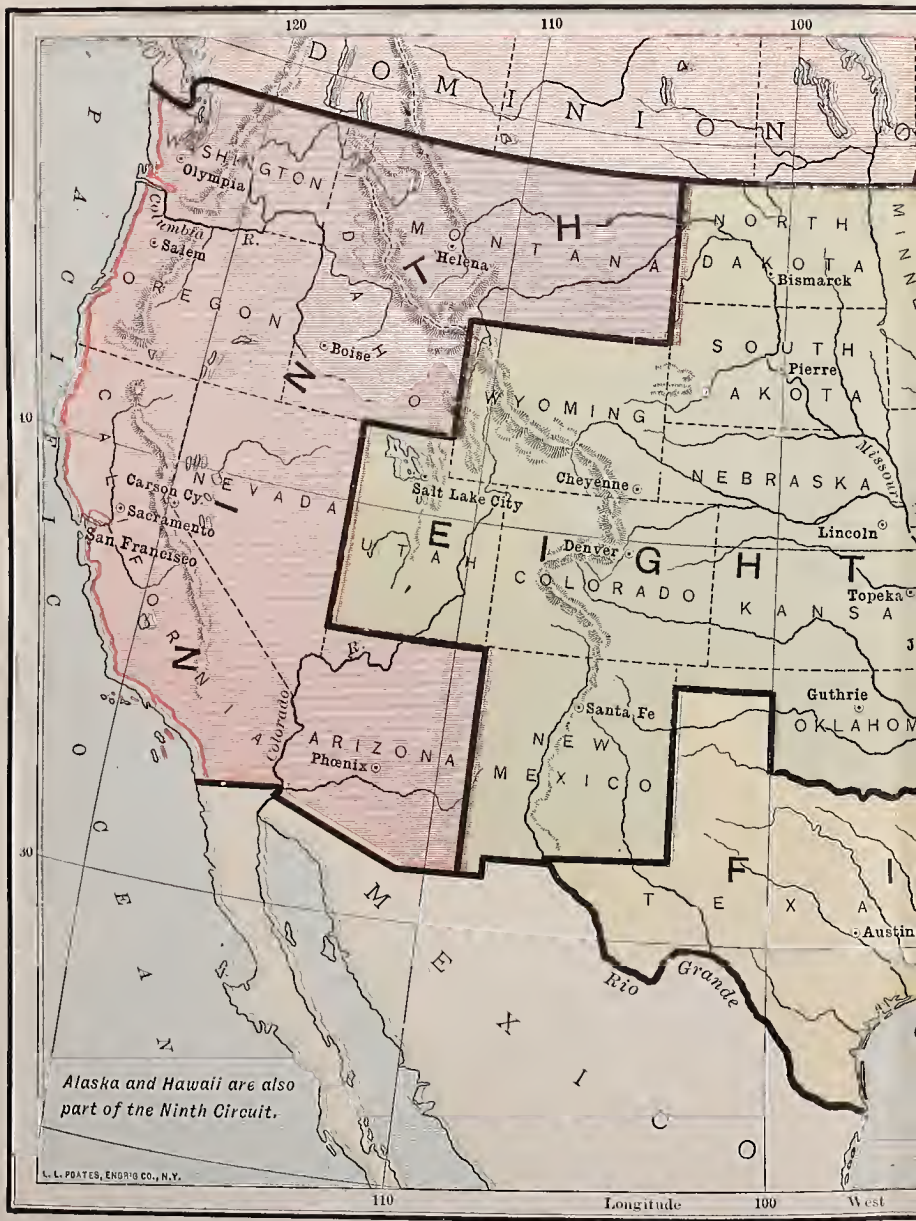
* Each nation has jurisdiction over cases arising on its own vessels upon the high seas. For all intents and purposes the vessel carrying the national flag is treated as national territory. Pirates carry the flag of no nation, and therefore have the protection of no nation. They are, in the language of the law, "the enemies of mankind," and are punished with death by the courts of any nation which arrests them.

as in the State courts. Grand juries, petit juries, lawyers and judges in the United States courts perform the same duties as in the State courts. The administration of the law is generally more strict in United States courts, for the reason, first, that the juries very rarely know the persons concerned in the case, and so are not influenced by personal feelings toward them, as often occurs in the State courts where all of the persons concerned live in the same county; and, second, that the United States judges hold office for life and so are free from the fear of offending persons who might defeat them for re-election.

**389. Grades of United States Courts.**—There are four grades of United States courts.* First, there are the District Courts; next are the Circuit Courts; above both these are the Circuit Courts of Appeal, and above these and highest of all is the United States Supreme Court. The least important cases are tried in the District Courts; the most important in the Supreme Court.

**390. The United States District Court.**—Each of the smaller or less populous States forms a judicial district, while the large and populous States are divided into two or more districts; but every district lies wholly within one State. In each district there resides a

* The Court of Claims and the Court of Private Land Claims, each created for a special class of cases, do not come under this classification.


120
110
100
DOMINION
Olympia
Columbia R.
Salem
OREGON
Helena
MONTANA
NORTH DAKOTA
Bismarck
Boise
SOUTH DAKOTA
Pierre
WYOMING
Cheyenne
NEBRASKA
Missouri
Carson Cy.
Sacramento
San Francisco
Salt Lake City
NEVADA
UTAH
Denver
COLORADO
Lincoln
Topeka
KANSAS
Guthrie
OKLAHOM
Santa Fe
NEW MEXICO
ARIZONA
Phœnix
Colorado R.
TEXAS
Austin
Rio Grande
MEXICO
Alaska and Hawaii are also part of the Ninth Circuit.
L. L. POATES, ENGR'G CO., N.Y.
110
Longitude
100
West

# UNITED STATES
DIVIDED INTO
# JUDICIAL CIRCUITS

SCALE OF MILES
0 100 200 300 400 500

United States District Judge, who presides over the United States District Court in his district.* There is only one District Judge in each district, but, for the convenience of the people, he may hold court at several places in the same district. In the District of South Carolina, for instance, the District Court is held in Charleston, Columbia, Florence and Greenville.

**391. The United States Circuit Court.**—The whole country is divided into nine circuits, as represented in the accompanying map. One or two United States Circuit Judges reside in each circuit. A number of States taken together make up a circuit. For instance, Maryland, Virginia, West Virginia, North Carolina and South Carolina form the fourth circuit. In this circuit there are two Circuit Judges. The Circuit Judge goes through his circuit holding the Circuit Court, usually at each place at which the District Court is held.†

**392. Jurisdiction of District and Circuit Courts.**—The cases which may be tried by the Circuit Court are of two classes: First, most of the cases which fall within the jurisdiction of the United States Courts may be tried in either the District or the Circuit Court,

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* In a few of the least populous districts, however, one Judge serves two districts.

† The District Judge may lawfully hold the Circuit Court in his district, and as a matter of fact frequently does.

as suits the convenience of the person bringing the case to trial.* Second, there are certain more important cases which the District Court may not try, but which must be carried to the Circuit Court.

**393. The Circuit Court of Appeals.**—After being tried in the District or Circuit Court, important cases may, if either side desires, be carried to the United States Circuit Court of Appeals. There is one of these courts in each Circuit, which meets at one place in the circuit, as, for instance, Richmond in the fourth circuit.†

There is no separate judge for the Circuit Court of Appeals. It is held by three (or two, if one is absent) judges drawn from the Supreme, the Circuit and the District Courts. Thus its judges vary greatly for different sessions of the court.

**394. The Supreme Court.**—If the case has been decided the same way in both the courts so far, it is not likely that this decision will be reversed by the Supreme Court. And yet either side, if the case is of sufficient importance, can appeal to the United States Supreme Court. The Supreme Court may confirm or reverse the decision of the court below. Its decision is final; after being decided in the Supreme Court, a case cannot be tried anywhere else.

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* *I. e.*, these courts have concurrent jurisdiction in these cases. See second footnote to section 205.

† Notice that the United States Circuit Court cannot hear appeals from the District Court, although it is a higher court. Its appellate jurisdiction over the District Court was taken away on the establishment of the Circuit Court of Appeals in 1891.

**395. Appointment of Judges.**—All United States judges are appointed by the President and hold their positions for life, unless they resign or are convicted upon impeachment. Only two have been displaced by impeachment. This method of appointment and tenure has secured excellent judges, for the reason that it has made the President very careful in his selections and has made the judges independent of fear, favor or politics in doing their duty.

**396. United States District Attorney.**—This officer performs the same duties in the United States Courts that the Solicitor does in the State courts (section 214). He attends the District and Circuit Courts and conducts the trials against all persons who are accused of violating the laws of the United States. It is his duty to see that all the facts proving the guilt of the person being tried are brought out. He questions the witnesses and makes a speech to the jury trying to prove the guilt of the prisoner. The District Attorney is appointed by the President for a term of four years.

**397. United States Marshal.**—There is a United States Marshal in each district who performs the same duties in the United States courts that the Sheriff does in the State courts (sections 56-59). He is appointed by the President for four years.

### *SUGGESTIVE QUESTIONS*

1. *Imagine a case which would come before the United States courts because the Constitution was involved.*
2. *Imagine a case which would come before the United States courts because a law passed by Congress was involved.*
3. *Imagine a case which would come before the United States courts because of the citizenship of the persons involved.*
4. *Imagine a case which would come before the United States courts because two States were involved.*
5. *Imagine a case coming before the United States courts because of an occurrence on the high seas.*
6. *Who are the United States Circuit Judges for this Circuit? Where do they live?*
7. *Who is the United States District Judge for this District? Where does he live?*
8. *Report on the impeachment of judges in Jefferson's administration.*
9. *Find out the circumstances in the cases of the two judges who have been removed by impeachment.*

## CHAPTER XLIV

### THE UNITED STATES SUPREME COURT

**398. The United States Supreme Court.**—At the head of our judicial system stands the United States Supreme Court. It is the most influential and distinguished court in the history of the world. This is partly due to its importance as the highest court of a great country, partly to its extraordinary powers, and partly to the

learning and character of the judges who have composed it.

**399. Membership and Appointment.**—The Supreme Court consists of nine judges, appointed by the President. They hold office for life, unless they resign or are removed by impeachment. Congress has never tried but once to impeach a judge of the Supreme Court, and that impeachment failed.

**400. Duties.**—In general, the United States Supreme Court has duties like those of the State Supreme Courts, though of greater scope and importance. It is a court to correct errors which the lower courts have committed in interpreting the law. Except in a few cases which we will not consider, this is its only duty. It is the highest court for explaining the true meaning of the Constitution and the laws.

**401. Appeals from State Supreme Courts.**—The Constitution of the United States declares that it and the laws of Congress and treaties made under it shall be the supreme law of the land in any State, no matter what the laws or Constitution of any State may say. For instance, the United States Constitution forbids any State to pass any law permitting people to break their contracts. Therefore, if any State should pass a law that a man who had promised to pay money to another man might pay him diamonds or horses or land, or anything except money, it would be in viola-

tion of the Constitution of the United States. Even though the Supreme Court of the State had tried and decided a case under this law, it could be appealed to the United States Supreme Court and tried again there.* If the State Supreme Court had decided correctly, the United States Supreme Court would confirm its decision and it would stand as the correct interpretation of the law. But if the United States Supreme Court should consider the State Supreme Court wrong, it would reverse the decision of the State court.

The United States Supreme Court would decide that the law allowing payment to be made in something else than what was promised violated the United States Constitution, and was, therefore, of no

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* A case can be carried by appeal from a State Supreme Court to the United States Supreme Court on account of the United States Constitution, treaties or laws, being involved only when the State Supreme Court *denies* some right claimed by either party under the United States Constitution, treaties or laws. Even when the United States Constitution, treaties or laws are involved, the United States Supreme Court will not review the decision of the State Supreme Court if that Court has decided in favor of every right claimed under the United States Constitution, treaties and laws. The object of granting the appeal to the United States Supreme Court is to insure the supremacy of the national Constitution, laws and treaties; but if this is already granted by the State Supreme Court the intervention of the United States Supreme Court for this purpose becomes unnecessary. It is conceivable, though not probable, that injustice might arise from this limitation of the right of appeal to the national Supreme Court; for a State Supreme Court might grant rights claimed as against a State law or Constitution under the United States Constitution which the national Supreme Court might decide that the national Constitution did not grant.

UNITED STATES SUPREME COURT ROOM

force and not to be obeyed. If Congress itself should pass a law contrary to the Constitution, the United States Supreme Court would declare it no law in any case which came before it under that law. In this way, the United States Constitution and laws are obeyed and are given the same meaning all over the country.

**402. Respect for the Supreme Court.**—The decisions of the United States Supreme Court have been marked by such wisdom and justice that they are very much respected by the people and by the officers of the government. The Court's interpretation of the Constitution has been one of the strongest influences in building the United States into a great nation.

## OUTLINE REVIEW OF THE JUDICIAL DEPARTMENT OF THE NATIONAL GOVERNMENT

**Jurisdiction of United States Courts.**

First, cases on account of the law involved (§ 384).
- United States Constitution.
- Treaties.
- Laws of Congress.

Second, cases on account of the person involved (§ 385).
- Cases between citizens of different States.
- Cases between a foreigner and a citizen of a State.
- Cases between States.
- Cases begun by a State against a foreigner or a citizen of another State.
- Cases involving a foreign minister, ambassador or consul.

Third, cases on account of the place involved (§ 386).
Cases arising on the high seas.
Methods of trial similar to those of State Courts (§ 388).

**Grades of United States Courts** (§ 389).

United States District Court (§§ 390 and 392).
One District Judge in each district.
United States Circuit Court (§§ 391 and 392).
One or two Circuit Judges in each circuit.
United States Circuit Court of Appeals (§ 393).
Held by three (or two) Judges from Supreme, Circuit and District Courts.
United States Supreme Court (§ 394).
Nine Judges.

**Appointment of Judges, Etc.**

All United States Judges appointed by President, subject to confirmation by the Senate (§ 395).
Serve for life unless they resign or are impeached.
A United States District Attorney (a prosecuting officer) and a United States Marshal (like a Sheriff) in each district.
Appointed by President, subject to confirmation by Senate, for four years (§§ 396–397).

**The United States Supreme Court.**

Corrects errors in law committed by lower courts (§ 400).
Hears appeals from State Supreme Courts in cases in which a right claimed under United States Constitution, treaties or laws has been denied (§ 401).
Its great influence on American history (§ 402).

# CHAPTER XLV

## TERRITORIES AND COLONIES

**403. States and Territorial Possessions.**—The United States consists of two parts: the States, which are members of the Union, and the territorial possessions, which are not members of the Union and have no part in its government.

**404. Difference between a State and a Territory.**—A State has a great many rights reserved to it by the Constitution. Its own government and the business and ordinary affairs of its people are almost completely under its own control. The United States government cannot interfere with a State in any of these matters. Moreover, the original thirteen States by their own voluntary act created the Union and formed the Constitution.

A territory, on the other hand, has no constitutional rights of its own. Congress has the power to give it such form of government as it thinks proper.* Moreover, the territories had no part in creating the Union or forming the Constitution.

**405. Origin of Territories.**—When we seceded from

* The inhabitants of a territory are protected as individuals against certain oppressive acts by certain clauses of the Constitution forbidding Congress to do certain things; but the territories as such have no guaranteed rights.

England, a number of the States extended westward to the Mississippi River. The portions west of the Appalachian mountains were wild, unsettled country. With patriotic regard for the general good, the different States holding this territory gave it to the United States government. In 1803, we bought the vast Louisiana purchase from France. This, of course, was not a State, but only "territory." And so on, through the whole list of possessions that we have at various times acquired.

**406. Power of Congress over Territories.***—The Constitution says that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." The power of Congress to govern the territories as it thinks best is thus unlimited, except by those clauses of the Constitution forbidding Congress to take a man's life, liberty or property without legal trial, to interfere with the freedom of speech

* The author has not considered it necessary, in an elementary text-book, to cite authorities. In view, however, of the fact that there has been so much difference of opinion, since the question raised by the management of the territorial acquisitions of the Spanish-American war, of the relations of territories to the United States government, he here departs from this rule. These questions were discussed and decided by the United States Supreme Court in a series of cases known as the "insular cases," in 1900 and 1901. They are De Lima *v.* Bidwell, 182 U. S., 1; Downes *v.* Bidwell, 182 U. S., 244; Fourteen Diamond Rings *v.* U. S., 183 U. S., 176. Some important points are, however, still left obscure. The author will willingly cite any person to the authority for any statement in any portion of this text-book.

or religious belief, to deprive a person of any right because of his race or color, and so forth.*

**407. Territorial Government.**—Territorial government is of two kinds : self-governing and not self-governing.

Territories which are self-governing are usually called organized territories, and those which are not self-governing are called unorganized.

**408. Unorganized Territories.**—An unorganized territory has a Governor, judges and other officials appointed by the President; but towns and cities in their bounds elect mayors and aldermen and manage their local affairs just as in a State. Alaska is (1906) the only unorganized territory.

**409. Organized Territories.**—An organized territory has a government very similar to that of a State. The President appoints the Governor and the Judges of the Supreme Court of the territory. All the officers and the members of both houses of the territorial Legislature are elected just as in a State.

The territorial Legislature passes laws to govern the people of the territory and the Governor has the veto power, as in a State. But Congress also can change or veto any of these laws. The Governor must also

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* The United States government has sometimes promised in a treaty of acquisition, as in the case of the Louisiana purchase, to grant certain rights to the inhabitants of the purchased territory. Nothing except a sense of duty and honor prevents Congress from disregarding a treaty of this kind; but Congress has never broken such a treaty.

make a report every year to the President. A self-governing territory elects a delegate to sit in the House of Representatives in Washington, D. C. He may speak on any matter appertaining to the territory, so that Congress may understand the needs of the territory and not pass harmful or offensive laws; but he has no vote. Arizona, Hawaii and New Mexico are self-governing territories.

**410. Admission.**—After a territory has been trained for some years in self-government, and has a considerable population, it is admitted into the Union by Congress as a State. It then has all the rights of the original States, as fully as if it had been a State from the foundation of the government.

**411. Outlying Possessions.**—The power of Congress over territory which happens to lie next to the States or which is on the opposite side of the world is the same. But it has seen fit to govern the possessions lying at a distance in a somewhat different way.

**412. Central Government of the Philippine Islands.**—The Philippines are governed by a system half way between an organized and an unorganized territory. A Governor and seven Commissioners are appointed by the President of the United States. The Governor is the chief executive of the Philippine Islands and the Commissioners are the legislature. Three of the Commissioners must be Filipinos; the Governor and

four Commissioners must be Americans. This system puts control in the hands of the Americans, but furnishes a means for the desires and needs of the natives to be expressed. It is reasonable to suppose that if the three Filipino Commissioners are united in favor of any measure which is plainly just and necessary, at least one of the Americans will agree with them, and so make a majority in favor of the needed measure.

The law of Congress provides that two years after the publication of the census of the Philippine Islands, if the islands are then at peace, a more liberal form of government shall be set up. The law-making power shall be given to a legislature of two houses. The seven men appointed by the President constituting the Philippine Commission shall be the upper house, and the inhabitants of the islands who possess the qualifications of voters in municipal elections shall elect the lower house. The Civil Governor will continue to be appointed by the President.

The census of the islands, in four volumes, containing a vast amount of interesting and useful information, was published in 1905. It was compiled by the same methods used in this country, and native officers were employed as much as possible.

**413. Local Government of the Philippine Islands.**— The islands are divided into fifty provinces.* Each province has a Governor elected by the town councils of various towns and cities of the province. The town councils are elected by the people. There is a complete system of courts and schools. A moderate property qualification for voting is required.

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* A few of the smaller divisions do not, however, bear the name province.

An attempt is being made to institute self-government in the country districts.

**414. Porto Rico** has a government like that of an organized, self-governing territory.

## CHAPTER XLVI

### NATIONAL POLITICS

**415.** In Chapter XXXI we learned something of elections and politics in South Carolina. We will now glance at the same subject as it concerns the whole nation.

**416. Political Parties.**—There have always been in the United States two great political parties, divided from each other on certain ideas and principles of government.

**417. The Dividing Principle.**—This division has been mainly on account of one great principle of government on which the opinions of the people of the country have differed.

Sometimes the parties forget this great principle; sometimes smaller parties become prominent because of some special or temporary cause, as, for instance, the Populists or the Prohibitionists. Frequently the two great parties have been occupied with some special object which for the time obscures their fundamental difference. But this underlying difference of principle

always reasserts itself and shapes the character of the two great parties. This great dividing principle is: whether our government at Washington shall be a strong, centralized national government, exercising all the power possible under the Constitution and tending to perform more and more duties for the people; or whether this tendency to centralization of power in the national government in Washington shall be resisted. The Federalist (1790-1816), National Republican (1824-1832), Whig (1832-1854) and Republican (since 1854) parties have, one after the other, stood for large powers in the national government. The Democratic party, which has existed since 1790, has resisted the tendency to increase those powers.

**418. A Further Difference.**—There is another difference which has generally marked the two parties. The Federalists, National Republicans, Whigs and Republicans have usually been strongly under the influence of the classes whom circumstances or the laws have specially favored—"the rich, well born and able," as one of their number put it a century ago. The Democrats (except where strong local or temporary causes pulled them the other way) have been more the party of the masses of the people.

**419. Party Organization.**—Each party has an organization extending all over the country. In the Southern States the organization of the Republican party is

weak and little noticed; but in other parts of the country each party has its party officers and clubs actively at work in every village, township and city.

**420. The Club.**—The lowest, but most important, part of the party organization is the Democratic or Republican "club."

A club is composed of a number of men of the same party in a town or country neighborhood. An ordinary average club would contain from eighty to a hundred and fifty members.

**421. The County Convention.**—Each club elects a number of representatives, according to its membership,* to go to the County Convention of the party. The County Democratic Convention, for instance, elects a certain number of men, according to the population of the county, to go to the State Democratic Convention. In States where "primary elections" do not exist, the County Convention also nominates the party candidates for the different county offices.

If a man or group of men can control the clubs, they can have delegates sent to the County Convention who will nominate the candidates they want. Most Democrats or Republicans will vote for whomever the party convention nominates. This makes the club of ex-

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* Or according to the population of the ward, township or precinct.

treme importance. The clubs are the foundation stones on which the party organization rests.

**422. The State Convention.**—The Democratic State Convention, or the Republican State Convention, as the case may be, attracts a great deal more attention than the County Conventions; but the County Conventions are really more important, because they elect the members of the State Convention. In that way, whoever controls the County Conventions controls the State Convention. This gives great power to the professional politician, and may enable him, by having an influential friend in each county, to run the party very much as he pleases. To decrease this power, we in South Carolina have taken away from the conventions their most important power—the nominating of the party candidates—and have given it to the people of the party voting in a primary election. (See sections 253 and 254). The State Convention adopts a platform * (see section 424), appoints an Executive Committee to see after the interests of the party until the next convention meets (which is not until the next campaign year), attends to any other necessary business, and adjourns.

**423. The National Convention.**—Once every four years each party holds a National Convention, to

* Generally, but not always in years in which there is no Presidential election.

nominate its candidate for President and Vice-President of the United States and to adopt a set of principles called a platform. The delegates to the National Convention are elected by the State Conventions of that party. Each State Convention elects twice as many delegates as the State has members of both houses of Congress.

**424. Meeting of the National Convention.**—The National Convention is held in some large city in the early summer of the year of a Presidential election. The Fourth of July is frequently selected. It is a great event and numbers of cities make great efforts to be selected by the Committee having this in charge. A great building, holding ten or fifteen thousand people, is erected for the meeting. The delegates (about eight hundred in number) sit in the front of the hall, and around and behind them spreads the vast audience of outsiders, some of whom have paid thirty or forty dollars for tickets of admission.

**425. Forming the Platform.**—The National Convention has two great duties: forming the platform and nominating the candidate for President. It also appoints an Executive Committee to carry on the campaign, nominates a candidate for Vice-President, and sometimes passes resolutions of interest. But these are slight compared with the two other duties. The platform is formed first. It is a statement of what

the party believes in and promises to do if its candidates are elected. It is written so as to get up the most enthusiasm and catch the most votes.

**426. Nominating.**—Then comes naming the party's candidate for the greatest public office in the world. Excitement becomes intense. Brass bands are playing, crowds shouting, parades marching and leaders planning for their favorites all over the city. Telegrams are flying over the wires to every State in the Union, and beyond to every country of the world. Inside the convention hall, speeches are being made in favor of different candidates, answered by such applause and uproar from the thousands of hearers as sounds like the roaring of Niagara.

At last the voting begins. The names of the States are called in alphabetical order. As a State is called, the leader of its delegates rises and announces how they vote—sometimes for different candidates, but usually all from one State for one candidate. Rarely does any candidate receive the necessary majority on the first ballot, and so the convention has to vote again. Sometimes they vote and re-vote for one or two days before anyone can get the required number. But at last someone is chosen; and, if he is a favorite with the country, such a shout is sent up by the thousands present that the booming of the cannon outside cannot be heard in the building. The telegraph wires

flash the news around the world and to every village and city in the nation.

**427. The Campaign.**—The campaign is begun. The excitement and rejoicing of the conventions are taken up in parades and orations all over the country. For four months every means possible is used by each party to persuade the voters to vote for their candidate. As members of Congress and State Legislatures are being elected at the same time, the campaign and election are of great importance.

**428. The Election.**—At last election day arrives—the Tuesday after the first Monday of November. The people declare their will at the ballot box, and the defeated party quietly accepts the result.

## CHAPTER XLVII

### RELATIONS OF THE STATE GOVERNMENTS TO EACH OTHER AND TO THE NATIONAL GOVERNMENT

**429. One System.**—The State and national governments taken together form one system. They are not rivals or enemies; they are both controlled by the people and serve the interests of the people, each in its own sphere.

**430. Federal Government.**—The plan of uniting a number of States into one country, in which each State

still continues to control its own internal affairs, is called Federal government. It is the best form of government ever devised for a large country; because it has great strength in managing all matters of common concern, and at the same time allows the people of the different sections of the country to manage their State affairs in the way best suited to their own circumstances. The advantage of this will be understood if we think for a moment of what different laws are needed in different States. In Nevada the people must have a set of rules governing mining; but no such rules are needed in Delaware. In many Southern and Western States special stock and game laws are needed; but not in Connecticut or Rhode Island. A manufacturing State, full of large cities, requires many special regulations which its own people understand better than outsiders. Similarly the different habits and customs of different sections make it very necessary to have different regulations on some matters.

**431. Similarity of State Institutions.**—But the differences between State laws, customs and institutions are not so important as their resemblances. The States tend to imitate each other in any respect in which one has been successful. In this way, each State gets the benefit of the experience of others and has a better system of government than it would have worked out by itself.

A successful law or a good code is frequently adopted almost word for word by many other States.*

**432. Relations of the States to Each Other.**—The most important points in which the governments of different States touch each other are the following: Citizenship; extradition; agreements; interstate commerce.

**433. Citizenship.**—The Constitution of the United States provides that citizenship depends upon national, and not State, law. Every person born or naturalized in the United States is a citizen of the United States and also a citizen of the State in which he resides. A State can require that a man coming from another State must live within its bounds for a reasonable time (two years in South Carolina) before being allowed to vote; but it cannot deny him the rights of citizenship, such as buying and selling property, protection of the law, and the right to do anything any other citizen may do.

434. *Voting and Citizenship.*—Voting is not a right of citizenship, but is a privilege, enjoyed usually by the male citizens twenty-one years of age. In the four States of Wyoming (since 1870), Colorado (since 1893), Utah (since 1895) and Idaho (since 1896) women have the same right of voting as men. In twenty-one other States women can vote in some elections, usually in school districts. Yet women and children are full citizens. In several States men who neither own property nor are able to read are not allowed to vote; but they are citizens and enjoy the rights and protection of citizens.

* Let pupils ask lawyers for some instances of this.

**435. Extradition.**—This means securing upon demand a person who is charged with crime and has escaped into another State. The United States Constitution requires that any State must deliver to the officers of any other State any person who has fled from that State to avoid being tried and punished for a crime. As a State government has no power outside its own bounds, some of the most desperate criminals would be secure against capture unless the United States Constitution gave the right to demand their surrender by the government of any State into which they flee. The Governor of the State from which the criminal has fled addresses the requisition to the Governor of the State to which the criminal has fled.

**436. Agreement between States.**—The United States Constitution forbids the States to form any treaty or alliance among themselves, as this would break the country up into hostile sections. But this does not prevent States from agreeing to settle any dispute between themselves without taking it to the Supreme Court. South Carolina has several times appointed commissioners to meet commissioners to settle her boundary line with North Carolina and also with Georgia.

**437. Interstate Commerce.**—No State can interfere with trade or commerce between her own citizens and persons outside the State. This, together with the law

of the United States Constitution that citizens of each State shall have all the protection and rights in any other State that its own citizens enjoy, unites the whole country very closely.

**438. Relations of the State and National Governments.**—It might seem that with two governments each exercising such powers, the States and nation might not get on well together. And yet they do. They hardly ever clash, and when they do, a settlement is easily made. They work so smoothly for two reasons: First, since they are parts of one system, each with its duties assigned, it is usually easy to tell to which any particular business belongs. And second, whenever there is a clash, the decision of the United States Supreme Court is recognized and obeyed.

**439. Growth of Nationality.**—The State and national governments have not always worked together so smoothly. For many years the States occasionally resisted the national government. The secession of the eleven States in 1860-1861 was only the last and greatest attempt of States to enforce their opinions against those of the national government. Long experience has shown that it is best to allow the national government, acting in the last resort through the Supreme Court, to decide all disputes between it and any State. The people all over the country have come to respect the national government, to trust it as their

own government, and to regard themselves as one great, united nation.

**440. An Indestructible Union of Indestructible States.** —The nation and the States are both necessary to each other. Although by many people this was not understood at first, it is now universally acknowledged. The nation is strong and great because it is supported by States that are free and vigorous; and the States can remain free and vigorous because they are protected by a nation that is strong and great.

THE END

# CONSTITUTION OF THE UNITED STATES.*

We the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.—Section 1.—All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2.—1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative: and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three; Massachusetts, eight; Rhode Island and Providence

* The original spelling in the Constitution is retained, but not the original capitalization.

Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall chuse their Speaker and other officers; and shall have the sole power of impeachment.

SECTION 3.—1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall chuse their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried the Chief-Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION 4.—1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of chusing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.—1. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 6.—1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person, holding any office under the United States, shall be a member of either house during his continuance in office.

SECTION 7.—1. All bills for raising revenue shall originate in the

House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.—The Congress shall have power:

1. To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate the commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post offices and post roads;

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive rights to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;—and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION 9.—1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand

eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or ex post facto law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State, be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECTION 10.—1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and controul of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships-of-war, in time of peace, enter into any agreement or compact with another State, or with

a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.—SECTION 1.—1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected, as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority and have an equal number of votes, then the House of Representatives shall immediately chuse by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, chuse the President. But in chusing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall chuse from them by ballot the Vice-President.] *

4. The Congress may determine the time of chusing the elec-

* This paragraph was superseded by the XII Amendment.

tors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be encreased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION 2.—1. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not

herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3.—1. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4.—The President, Vice-President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.—SECTION 1.—The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION 2.—1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States;—between a State and citizens of another State;—between citizens of different States;—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and

consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3.—1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.—SECTION 1.—Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION 2.—1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3.—1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4.—The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

ARTICLE V.—1. The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.—1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.—The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

DONE in convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven and of the independence of the United States of America the twelfth.

## AMENDMENTS.

ARTICLE I.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances.

ARTICLE II.—A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.—No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.—No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or in public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial

jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII.—In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of common law.

ARTICLE VIII.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.—The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.—The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*

ARTICLE XI.—The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.†

ARTICLE XII.—The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; —the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed;

* The first ten amendments went into effect Nov. 3, 1791.

† In effect Jan. 8, 1798.

and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.*

ARTICLE XIII.—SECTION 1.—Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.†

ARTICLE XIV.—SECTION 1.—All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole

* In effect Sept. 25, 1804. † In effect Dec. 18, 1865.

number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each house, remove such disability.

SECTION 4.—The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.*

ARTICLE XV.—SECTION 1.—The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.†

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* In effect July 28, 1868. † In effect March 30, 1870.

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